IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.1028 OF 2001

Lina Rajiv Shah).. Petitioner

Vs.

Gayatri Laboratories (Pvt.) Ltd.).. Respondent

WITH
COMPANY PETITION NO.1029 OF 2001

Chroma Chemicals Corporation).. Petitioner

Vs.

Gayatri Laboratories (Pvt.) Ltd.).. Respondent

WITH
COMPANY PETITION NO.1030 OF 2001

Sheth Trading Co.).. Petitioner

Vs.

Gayatri Laboratories (Pvt.) Ltd.).. Respondent

WITH
COMPANY PETITION NO.1031 OF 2001

Rupa Kalpesh Sheth).. Petitioner

Vs.

Gayatri Laboratories (Pvt.) Ltd.).. Respondent

WITH
COMPANY PETITION NO.1032 OF 2001

Rajesh Manhar Sheth).. Petitioner

Vs.

Gayatri Laboratories (Pvt.) Ltd.).. Respondent

WITH

COMPANY PETITION NO.1033 OF 2001

Kalpesh Manher Sheth).. Petitioner

Vs.

Gayatri Laboratories (Pvt.) Ltd.).. Respondent

WITH

COMPANY PETITION NO.1034 OF 2001

Vaishali Rajesh Sheth).. Petitioner

Vs.

Gayatri Laboratories (Pvt.) Ltd.).. Respondent

Mr.P.B.Kapadia for the Petitioners.

Mr.S.K. Pathare for the Respondent Company.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 1ST DECEMBER 2005

P.C.:

. These Company Petitions have been filed claiming various amounts from the Company known as "Gayatri Laboratories (Pvt.) Ltd.. According to the Petitioners, they had advanced certain monies to the Company vide various cheques. The Company had issued promissory notes in token of it having received the amounts from the Petitioners. The Company had agreed to pay interest at the rate of 18% per annum.

2. It appears that on 28th March 2002, an order was passed directing the Company to deposit an amount of

Rupees Four lakhs which was the total principal amount payable in respect of these Petitions. This amount was to be paid within a period of six months to the Petitioners. It was further directed in this order that if the amount of Rupees Four lakhs was not paid to the Petitioners, the Company Petitions would be treated as admitted. Petitions were to be advertised.

3. The Company failed to pay the amount of Rupees Four lakhs to the Petitioners as directed by this Court. All the Company Petitions, therefore, stood admitted.

4. Heard Advocates.

5. The Advocate for the Company states that he is ready and willing to pay Rupees Two lakhs immediately to the Petitioners by Demand Drafts in full and final settlement of all the Petitioners' claims.

6. In my view, the amount of Rs.Two lakhs will not be an appropriate amount to settle the dispute between the Petitioners and the Respondent Company. Therefore, the following order is passed which will meet the ends of justice :-

(i) The Respondent Company will forthwith pay to the Petitioners an instalment of

Rupees Two lakhs towards the settlement of their claims.

(ii) Further instalment of Rupees Two lakhs will be paid by the Respondent Company to the Petitioners within six weeks from today i.e. on 12th January 2006.

(iii) The interest payable on the amount of Rupees Four lakhs computed at 10% per annum from the date of the order of this Court i.e. 28th March 2002 amounting to Rs.1,50,000/- (Rupees One lakh fifty thousand only) shall be paid by the Respondent Company to the Petitioners within four weeks thereafter i.e. on 9th February 2006.

(iv) In the event any of these instalments mentioned in clauses (i) to (iii) above are not paid within the stipulated time, the Company Petitions will stand allowed in terms of prayer clauses (a) and (b) of the Company Petitions without further reference to the Court.

7. Company Petitions disposed of accordingly.